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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,052	03/16/2001	Shigeru Hayakawa	000400-817	4764

7590

04/29/2002

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EXAMINER

HO, THOMAS Y

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 04/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/809,052

Applicant(s)

HAYAKAWA ET AL.

Examiner

Thomas Y Ho

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 and 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 3677

DETAILED ACTION

Claim Objections

Claims 1 and 2 are objected to because of the following informalities:

As to claim 1, applicant recites "an link mechanism" that should be changed to -a link mechanism-.

As to claim 2, applicant recites "wherein each lever members" that should be changed to -wherein each of the lever members-.

Appropriate correction is required.

Double Patenting

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

Claim 1 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1, 3, and 6 of copending Application No. 09/809068. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3677

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Rogers Jr. et al.

(U.S. Pat. No. 5649726).

As to claim 1, Rogers Jr. et al. discloses a vehicle closure latch comprising:

a) a latch mechanism (56, 72) adapted to a vehicle door and latching the vehicle door to a vehicle body;

b) a link mechanism including an electric driving source (310) and a plurality of lever members (126, 140, 174) for selectively locking and unlocking the latch mechanism;

c) a housing (12, 392, 394) accommodating the latch mechanism (56, 72) and the link mechanism.

As to claim 2, Rogers Jr. et al. discloses a vehicle closure latch wherein:

d) the housing (12, 392, 394) including a first cover (92, 394), a second cover (220) and a main body (12) having a first dish-shaped casing portion and a second dish-shaped casing portion (392), the first casing portion including an opening, closed by the first cover (92, 394), at one side thereof, the second casing portion connected to the first casing portion and perpendicular to each other, the second casing portion including an opening, closed by the second cover (220), at one side thereof;

e) wherein each of the lever members (126, 140, 174) of the link mechanism is disposed within at least one of: 1) a first space defined between the first casing portion and the first cover (92, 394) and 2) a second space defined between the second casing portion and the second cover (220).

As to claim 3, Rogers Jr. et al. discloses a vehicle closure latch wherein:

Art Unit: 3677

f) the part of the lever members (126, 140, 174) and the electric driving source (310) of the link mechanism are supported by the first casing portion and the first cover (92, 394), and the other lever members of the link mechanism are supported by a base plate (26) disposed between the second casing portion and the second cover (220).

As to claim 4, Rogers Jr. et al. discloses a vehicle closure latch wherein:

g) the part of the lever members (126, 140, 174) of the link mechanism includes an open link (174) coupled to the electric driving source (310) to selectively lock and unlock engagement of the latch mechanism (56, 72);

h) the other lever members include a lifting lever (140) coupled to the latch mechanism for being engageable and disengageable with the open link member (174).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No.5762384 to Bartel discloses a vehicle door lock with a centrally-operated locking unit.

U.S. Pat. No.5584515 to Silye discloses a double locking vehicle door latch including multiple covers and levers mounted on a main body.

U.S. Pat. No.6142540 to Girard et al. discloses a motor vehicle door lock.

U.S. Pat. No.6102453 to Cetnar discloses a vehicle door locking system with separate power operated inner door and outer door locking mechanisms.

U.S. Pat. No.6109674 to Bartel et al. discloses a power-actuated motor-vehicle door latch with plastic housing.

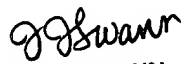
Art Unit: 3677

U.S. Pat. No. 4575138 to Nakamura et al. discloses a door latching device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y. Ho whose email address is thomas.ho@uspto.gov and telephone number is (703) 305-4556. The examiner can normally be reached on M-F 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-3691.

TYH
April 23, 2002


J. J. SWANN
SUPERVISORY PATENT EXAMINER
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